

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 361 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE K.A.PUJ

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

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KIRITKUMAR TRIKAMAL SHAH

Versus

STATE OF GUJARAT

Appearance:

MR BR PARIKH for Petitioner.

Mr. B.Y. Mankad, AGP for Respondents.

CORAM : MR.JUSTICE K.A.PUJ

Date of decision: 26/04/2002

ORAL JUDGEMENT

This petition is filed under Article 226 of the Constitution of India for quashing and setting aside the order dated 7th January 1992 annexed at Annexure 'C' to the petition appointing the respondent No.4 on the post of Chief Auditor (Gazetted) in the guise of Chief Accounts Officer in the Office of the Collector of Electricity Duty, by the respondent No.3 and further seeking direction to fill-up the said post as per the

recruitment rules filed at Annexure 'A' to the petition and in accordance with the provisions of law. The petitioner has also prayed for an interim relief seeking stay against execution and implementation of the order at Annexure 'C' to the petition and also seeking injunction restraining the respondents No. 1 to 3 from handing over charge of the post of Chief Auditor (Gazetted) in the Electrical Circle of IME Department to the respondent No.4.

2. This Court has granted ad-interim relief on 24.2.1992 to the effect that respondent No.4 shall not be promoted to the post of Chief Auditor (Gazetted) till 29.1.1992. However, it was made clear that if the promotion by the impugned order was not to the post of Chief Auditor (Gazetted) that promotion was not stayed. The petition was admitted on 11.2.1992 and the said ad-interim relief was made to continue till further order.

3. I heard Mr. B.R. Parikh, learned advocate appearing for the petitioner and Mr. B.Y. Mankad, learned AGP appearing for the respondents. At the time of hearing of this petition, it is stated by Mr. Parikh, the ld. advocate appearing for the petitioner that the petitioner retired on 30th August 2000. In view of this fact, there is no question of appointing the petitioner to the post of Chief Auditor (Gazetted) in the Electrical Circle as per the prayer made in the petition. The petition has, therefore, become infructuous as the grievance having not been survived now after the retirement of the petitioner.

4. In the above view of the matter, the present petition requires to be rejected as having become infructuous. Rule is discharged with no order as to costs.

rmr. [K.A. Puj, J.]